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Message Text

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ACTION EA-06

INFO OCT-01 SS-14 ISO-00 H-01 INR-05 PM-03 PA-01 SP-02
HA-02 NSC-05 CIAE-00 DODE-00 NSAE-00 TRSE-00 /040 W
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FM AMEMBASSY MANILA
TO SECSTATE WASHDC PRIORITY 8125
CINCPAC HONOLULU HI

C O N F I D E N T I A L SECTION 01 OF 02 MANILA 11414

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E.O. 11652: GDS
TAGS: SHUM, RP
SUBJECT: STATUS OF AQUINO CASE

REF: MANILA 9936

1. SUMMARY. FORMER SENATOR SALONGA UNDERSTANDS THAT AQUINO MAY BE RELEASED FROM FORT BONIFACIO TO HOUSE ARREST IN THE NEAR FUTURE. HE SUGGESTS THAT THE DELAYS IN MARCOS' ACTION MAY BE ATTRIBUTABLE TO NEGATIVE COUNSEL FROM SENIOR GOP OFFICIALS AND TO MARCOS' DESIRE FOR SOME U.S. GESTURE. WE BELIEVE THAT THE NEW YORK INCIDENT, THE PLANAS ASYLUM, AS WELL AS MARCOS' INNATE CAUTION, ARE PROBABLY ADDITIONAL FACTORS CONTRIBUTING TO THE LACK OF A DECISION THUS FAR ON AQUINO. IN ALL, WE CONTINUE TO VIEW AS A REASONABLY GOOD PROSPECT SOME POSITIVE MARCOS ACTION ON THE CASE WITHIN THE NEXT TWO TO THREE MONTHS. END SUMMARY.
2. DURING LUNCHEON CONVERSATION WITH EX-SENATOR SALONGA JULY 6, DCM AND POL COUNSELOR INQUIRED ABOUT CURRENT STATUS OF AQUINO CASE. SALONGA SAID HE UNDERSTOOD THAT
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AQUINO MIGHT BE RELEASED FROM BONIFACIO TO HOUSE ARREST WITHIN THE NEXT MONTH OR TWO (WITH THE QUESTION OF EXILE REMAINING UNDETERMINED) AND MADE CLEAR HE WOULD NOT VIEW THIS AS A PARTICULARLY SATISFACTORY OUTCOME. SALONGA ADDED HE HAD SEEN AQUINO EARLIER THAT DAY AND THAT NINOY AND HIS FAMILY WERE BECOMING INCREASINGLY CYNICAL ABOUT THE WAY MARCOS WAS "DANGLING" HIM WITH RESPECT TO HIS

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REQUEST FOR RELEASE AND EXILE.

3. IN REPLY TO A QUESTION WHY ACTION BY MARCOS HAD NOT YET BEEN FORTHCOMING, SALONGA SAID HE UNDERSTOOD THAT ROMULO AND MENDOZA WERE AGAINST NINOY'S EXILE SINCE THIS WOULD PLACE THE PHILIPPINES "IN DANGER." SALONGA CONTINUED THAT TANADA HAS REPORTED MARCOS WAS ALSO CONCERNED ABOUT ALLEGED "LEAKS" FROM DISCUSSIONS OF THE CASE BETWEEN THE GOP AND OPPOSITION LEADERS. SALONGA THEN SUGGESTED THAT MARCOS MIGHT ALSO BE AWAITING SOME GESTURE FROM THE U.S.--SUCH AS THE PROVISION OF THE FULL $18.1 MILLION MAP FOR FY-1979 BY THE CONGRESSIONAL CONFERENCE COMMITTEE--BEFORE RELEASING AQUINO.

4. COMMENT:

- (A) AS REPORTED EARLIER, A MONTH AGO THERE WERE SOME STRONG SIGNALS THAT MARCOS MIGHT FINALLY BE PREPARED TO DISPOSE OF THE AQUINO CASE BY EFFECTING NINOY'S RELEASE AND EXILE. IT IS CLEAR THAT AQUINO HAD OPTED FOR SUCH A COURSE AND THAT HE AND HIS FAMILY WERE EXPECTING A POSITIVE RESPONSE FROM MARCOS AROUND THE TIME OF PHILIPPINE NATIONAL DAY (JUNE 12).

- (B) WE CAN POSTULATE A NUMBER OF CREDIBLE REASONS MARCOS HAS EVIDENTLY DELAYED THE ANTICIPATED ACTION.
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BASICALLY, THE RELEASE/EXILE OF AQUINO WOULD BE ONE OF THE MOST MOMENTOUS POLITICAL DECISIONS FOR MARCOS IN SIX YEARS, AND HE WOULD DOUBTLESSLY APPROACH THAT DECISION WITH AN UNUSUAL DEGREE OF HIS TRADITIONAL CAUTION.

REASONABLY GOOD PROSPECT IN THE NEXT TWO OR THREE MONTHS FOR A TYPICAL "GRAND GESTURE" BY MARCOS RESPECTING PROBABLY SOME OF HIS ADVISORS SUCH AS ROMULO AND MENDOZA ARE INDEED OFFERING CONCERNED COUNSEL (WE HEAR FROM A SOURCE CLOSE TO MALACANANG THAT BOTH MRS. MARCOS AND GENERAL VER ARE ALSO ADVISING STRONGLY AGAINST RELEASE). AN OPPOSITIONIST SOURCE, CITING TANADA, HAS TOLD US THAT MARCOS IS PARTICULARLY WORRIED ABOUT AQUINO'S POSSIBLE ACTIVITIES IN THE U.S. AND IS SEEKING ADDITIONAL ASSURANCES FROM NINOY IN THIS RESPECT. FURTHER, THE GOP'S EMBARRASSMENT OVER THE NEW YORK CITY INCIDENT AND CHARITO PLANAS' ASYLUM IN THE U.S. HAVE LIKELY TENDED TO INHIBIT A MARCOS DECISION. THE SUGGESTION OF MARCOS AWAITING SOME U.S. GESTURE IS ALSO CREDIBLE--ACTION TO FREE AQUINO WOULD CERTAINLY BE A DIFFICULT STEP FOR HIM AND HE MAY WELL BE WEIGHING GAME AGAINST CANDLE.

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- (C) THE POSSIBLE MOVEMENT OF AQUINO FROM FORT BONIFACIO TO HOUSE ARREST WOULD CERTAINLY BE A LESS THAN SATISFACTORY OUTCOME ALTHOUGH THIS MIGHT BE A HALFWAY HOUSE TO FULL RELEASE CUM EXILE. WE WONDER, MOREOVER, IF HOUSE ARREST FOR ANY LENGTH OF TIME--WITH ITS ATTENDANT SECURITY AND OTHER PROBLEMS--WOULD BE A VIABLE SOLUTION. DURING THEIR JUNE 29 MEETING MARCOS NOTED TO THE AMBASSADOR THE MILITARY'S CONCERN OVER THE SAFETY OF AQUINO (AND OTHER HIGH PROFILE DETAINEES) SHOULD

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HE BE RELEASED FROM DETENTION.
- (D) NOTWITHSTANDING THE DELAYS, WE CONTINUE TO SEE SOME POSITIVE MARCOS ACTION ON THE AQUINO CASE AS A REASONABLY GOOD PROSPECT IN THE NEXT TWO OR THREE MONTHS. A JAPANESE EMBOFF WHO IS CLOSE TO THE AQUINOS TELLS US THAT THE FAMILY IS STILL HOPING FOR A POSITIVE STEP BY MARCOS AND IS WAITING UNTIL SEPTEMBER TO SEE IF THIS MATERIALIZES. THREE POSSIBLE DATES SUGGEST THEMSELVES FOR A TYPICAL "GRAND GESTURE" BY MARCOS RESPECTING AQUINO: (1) THE INTERNATIONAL LAW ASSOCIATION CONFERENCE HERE IN LATE AUGUST WHICH MARCOS WILL PROBABLY ADDRESS (RECALLING HIS "STEPS TOWARD NORMALCY" SPEECH BEFORE THE WORLD LAW CONFERENCE IN AUGUST 1977); (2) THE PRESIDENT'S BIRTHDAY ON SEPTEMBER 11; (C) OR THE SIXTH ANNIVERSARY OF MARTIAL LAW ON SEPTEMBER 21.
MURPHY

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